

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

**ANDREW RAMSEY,**

**Plaintiff,**

**v.**

**PHH MORTGAGE CORP., et al.,**

**Defendants.**

**Case No. 2:15-cv-2321**

**JUDGE GREGORY L. FROST**

**Magistrate Judge Terence P. Kemp**

**ORDER**

Before the Court is the parties' stipulation of dismissal with prejudice between Plaintiff and Defendant Trans Union, LLC ("Stipulation"). (ECF No. 29.) In this filing, Plaintiff purports to dismiss one of several defendants from this case, presumably pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii). A party cannot, however, use Rule 41(a)(1)(A) to dismiss less than the entirety of an action. *See Crozin v. Crown Appraisal Group, Inc.*, Nos. 2:10-cv-581, 2:10-cv-764, 2012 U.S. Dist. LEXIS 876, at \*4–\*5 (S.D. Ohio Jan. 4, 2012) (citing *Letherer v. Alger Group, L.L.C.*, 328 F.3d 262, 265-66 (6th Cir. 2003), recognized as overruled on other grounds in *Blackburn v. Oaktree Capital Mgmt., LLC*, 511 F.3d 633, 636 (6th Cir. 2008)); *Coleman v. Ohio State Univ. Med. Ctr.*, No. 2:11-cv-49, 2011 U.S. Dist. LEXIS 83813, at \*6 (S.D. Ohio Aug. 1, 2011).

Rule 15(a) permits a party to amend its pleadings by leave of court, which "shall be freely given when justice so requires." Fed. R. Civ. P. 15(a)(2). Rule 21 permits a court, on motion or on its own, to add or drop a party on just terms at any time. Fed. R. Civ. P. 21. Recognizing that filings are to be construed by their substantive content and not by their labels,

the Court will construe the Stipulation as a motion to amend Plaintiff's Complaint under Rule 15 or as a motion to drop parties under Rule 21. The Court **GRANTS** the motion and **DISMISSES WITH PREJUDICE** all claims against Defendant Trans Union, LLC.

**IT IS SO ORDERED.**

/s/ Gregory L. Frost  
GREGORY L. FROST  
UNITED STATES DISTRICT JUDGE